

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JUAN MITCHELL, *individually and on behalf*
of Jovan Mitchell, deceased,

Plaintiff,

vs.

SAINT LOUIS COUNTY, *et al.*,

Defendants.

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Case No. 4:23-cv-00223-MTS

MEMORANDUM AND ORDER


This matter is before the Court on review of Plaintiff's Second Amended Complaint, Doc. [34]. When the Court granted Plaintiff leave to file the Second Amended Complaint, the Court ordered Plaintiff to "ensure [that] each count under § 1983 identify[d] the specific constitutional right allegedly infringed." Doc. [33] at 2. Plaintiff failed to do so.¹

Accordingly,

IT IS HEREBY ORDERED that, no later than **Monday, July 17, 2023**, Plaintiff shall file a Third Amended Complaint consistent with the Court's Memorandum and Order dated June 27, 2023, Doc. [33].

IT IS FURTHER ORDERED that Defendants shall file any required responses to Plaintiff's Third Amended Complaint no later than twenty-one (21) days after its filing.

Dated this 13th day of July 2023.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE

¹ For example, Count I still cites no constitutional provision whatsoever. It refers only generally to Plaintiff's "Constitutional rights" or his "privileges and immunities." Doc. [34] ¶¶ 172, 177. In this way, Plaintiff's Second Amended Complaint continues to "shif[t] 'the burden of identifying the plaintiff's genuine claims and determining which of those claims might have legal support'" onto the Defendants and the Court. *Harper v. Ascension Health All.*, 4:17-cv-02495-ERW, 2017 WL 6407776, at *2 (E.D. Mo. Dec. 15, 2017) (quoting *Gurman v. Metro Housing & Redevelopment Auth.*, 842 F. Supp. 2d 1151, 1153 (D. Minn. 2011)).